

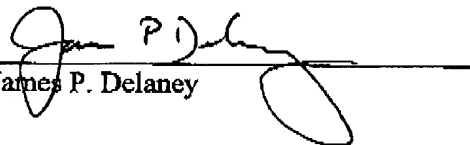
Patent Application Serial No. 09/867,063  
Applicant: Rhein

### DECLARATION OF JAMES P. DELANEY

I, James P. Delaney, hereby declare as follows:

1. I am a registered patent attorney at Jansson, Shupe & Munger, Ltd. and have been handling the prosecution of Patent Application Serial No. 09/867,063.
2. I filed an amendment to the Office Action of July 1, 2003 on December 1, 2003.
3. Jansson, Shupe & Munger, Ltd. has not received any Office Action or Notice from the USPTO in response to the December 1, 2003 amendment.
4. Jansson, Shupe & Munger, Ltd. utilizes an extensive docketing system which shows that no Office Action or Notice has been received from the USPTO in response to the December 1, 2003 amendment. Attached is a docket printout showing that no Office Action or Notice has been received in response to the December 1, 2003 amendment.
5. On June 22, 2003, while independently inquiring into the status of Patent Application Serial No. 09/867,063 through the PAIR system, I learned of the potential existence of a Notice of Informal or Non-Responsive Amendment, at which time I attempted to contact and left messages for the examiner, Tamra Dicus, and her former supervisor, Cynthia Harris Kelly, regarding the status of the application.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; such statements were made with the knowledge that willful false statements are punishable by fine or imprisonment or both (18 USC 1001) and jeopardize the validity of the application or any patent issued thereon.

  
James P. Delaney

Dated: July 6, 2004

Attachment